

## Attachment A



INDIANA JUDICIAL CENTER  
115 WEST WASHINGTON STREET, SUITE 1075  
INDIANAPOLIS, INDIANA 46204-3417

TEL (317) 232-1313  
FAX (317) 233-3367

### MEMORANDUM

**TO:** Rep. Scott Mellinger, Chair  
Probation Services Study Committee  
Indiana General Assembly

**FROM:** Jeffrey Bercovitz, Director  
Juvenile and Family Law

**DATE:** October 6, 2000

**SUBJECT:** Indiana Probation User Fees

You requested a memorandum concerning changes needed for Indiana's Probation User Fee statutes at the Probation Services Study Committee meeting on Thursday, September 28, 2000. I have summarized issues discussed at that meeting and included other areas that may be addressed:

1. Permit adult and juvenile probationers to pay probation user fees in advance without approval of the court or the probation department. No refunds would be permitted if the probationer was released from probation early.
  2. Permit probation officers to petition the court to impose and or increase probation user fees if they were not imposed when the probationer was first placed on probation (ex. probationer was indigent, but later becomes employed). Although this might be accomplished now by filing of a revocation petition and subsequent hearing, legislation would ease the use of this process.
  3. Impose a minimum monthly supervision probation user fee in misdemeanor cases. Now the minimum monthly fee in these cases may be as little as \$0.
  4. Permit by statute the collection of probation user fees that remain unpaid at the end of a person's term of probation in the same manner as unpaid restitution - by reducing the unpaid amount to a judgment.
  5. Permit courts to charge probationers that are transferred to Indiana for supervision to be charged at the same rate as other states, if that rate is higher than Indiana.
  6. Permit an increase in the initial probation user fee that may be charged in felony and misdemeanor cases.
  7. Permit payment of an initial fee for each case, even if it is incurred while the defendant is on probation for another offense.
  8. Permit some small portion of probation user fees to be kept by either the probation or clerk's office that collects the user fee to defray the cost of collection.
- If this office can be of any further assistance, please feel free to call.

## **Attachment B**

The Probation Officers Professional Association of Indiana Inc. recommends:

1. that the adult initial probation user fee be not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for misdemeanor offenders and not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) for felony offenders;
2. that the adult monthly supervision probation user fee be not less than ten dollars(\$10) nor more than twenty dollars (\$20) for misdemeanor offenders and not less than fifteen dollars (\$15) nor more than thirty dollars (\$30) for felony offenders for each month the offender is on probation;
- 3.that a person placed on probation for more than one (1) crime not stemming from the same incident, shall be required to pay an initial probation user fee for each crime convicted and may be required to pay more than one (1) monthly supervision fee for each the is on month offender probation;
- 4.that a juvenile placed on probation through informal adjustment be assessed an initial probation user fee not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100);
5. that the juvenile monthly supervision probation user fee be not less than ten dollars (\$10) nor more than twenty-five dollars (\$25) for each month the juvenile is on probation;
6. that a juvenile placed on probation for more than one (1) crime not stemming from the same incident, shall be required to pay an initial probation user fee for each crime convicted and may be required to pay more than one (1) monthly supervision fee for: each month the offender is on probation;
7. that Probation Study recommendation Indiana Judicial the Services Committee the Center that the minimum salary schedule be updated to include a starting salary for a probation officer of at least thirty-two thousand dollars (\$32,000) annually with incremental increases at year three (3), five (5), ten (10), fifteen (15), and twenty (20);
- 8.any increase realized in the collection of probation user fees be utilized to subsidize increases in probation officer salaries as recommended by the Indiana Judicial Center.